

### REMARKS

In an Office Action mailed April 1, 2008, the Examiner indicated that claims 8-10, 15-17, and 19-21 are allowable if rewritten into independent form. The Examiner rejected the remaining claims, objected to the wording of the abstract, and made two indefinite rejections.

The abstract has been amended herein to address the objection and claims 5 and 12 have been amended to address the indefiniteness issue. Additionally, claims 2 and 5 have been amended to correct typographical errors.

Independent claim 28 stands rejected as obvious over the combination of patents to Boisvert and Weber. Applicant has amended claim 28 to provide that the particular safety mode, which is selected from a group consisting of continuing to move, stopping, or reversing convertible top, is selected dependent on the particular operating situation and intervention situation. The Boisvert patent discloses a sunroof system that has a single response to an intervention. It stops movement of the sunroof if an intervention occurs. The patent makes passing reference to returning the sunroof to the open position (paragraph 117), so it appears that the system may stop or reverse the motor. However, Boisvert does not have different responses depending on the operating situation and the intervention situation. It has a single response, independent of the operating situation or the intervention situation.

In the present invention, on the other hand, the system selects a response depending on the particular operating and intervention situations. This has important implications in the convertible top art, but not in the window/sunroof art Boisvert is dealing with. With a window or sunroof, the worst consequence of stopping the system is that the window or sunroof is left partially open and wind or rain may enter the car. With a convertible top, leaving the top partially up may be dangerous or prevent vehicle operation, but reversing or slowing the top improves the situation. The present invention selects the response depending on the operating and intervention situation. This significant distinction is not recognized by Boisvert, nor is a solution suggested.

The combination with the Weber patent is merely provided to place the combination in the field of convertible tops. However, this combination does not provide the elements

discussed above, nor is the present invention obvious in light of the cited art. As such, it is respectfully submitted that claim 28 is in condition for allowance, along with all claims that depend therefrom.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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